



326-08/MEU

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPE BENAT NAVIGATION INC,

Plaintiff,

-against-

PROGETRA SA,

Defendant.

08 CV 5501 (DC)

**ORDER DIRECTING RELEASE OF
FUNDS AND
DISCONTINUANCE OF ACTION**

WHEREAS it further having been reported to the Court that pursuant to Process of Maritime Attachment and Garnishment as authorized to the Court's prior Order of July 28, 2008 certain funds alleged to belong to Defendant have been restrained; and

WHEREAS the firm of Kavanagh Maloney & Osnato LLP, the intended beneficiary of said funds, has filed a motion to vacate the attachment of the funds; and

WHEREAS it having been reported to the Court that the parties have settled their disputes;

IT IS HEREBY ORDERED AND DIRECTED that all Garnishee Banks are to release any funds being held pursuant to Process of Maritime Attachment and Garnishment authorized by this Court pursuant to the original wire transfer instructions; and

IT IS HEREBY FURTHER ORDERED AND DIRECTED that this action is hereby dismissed without prejudice and without costs as to either party.

SO ORDERED:

September 4, 2008


Hon. Denny Chin, U.S.D.J.

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